

REMARKS

Claims 1-6 and 8-16 are pending in the application. Of these, claim 16 has been allowed and claims 2, 4, 6, 11 and 12 have been indicated as allowable. Reexamination and reconsideration are respectfully requested.

In the Office Action, claims 1, 3, 5, 8-10, 13 and 14 were rejected as being anticipated by BYRD (US 5,707,249). Applicant respectfully traverses this rejection in view of the following remarks.

In a brief telephone call with the Examiner on September 12, 2005, Applicant's counsel noted that no prior art rejection was made with respect to independent claim 15. Claim 15 requires a slanted surface formed at a lower end portion of the base portion's flat surface, whereby the flat surface is adapted to contact an upper surface of the printed circuit board when inclined forward to lay down the fixing holder. As shown in Applicant's preferred embodiment, the slanted surface 28 contacts the upper surface of the printed circuit board 3 to facilitate the inclination and laying down of the fixing holder. Accordingly, Applicant respectfully submits claim 15 should be allowable for reasons similar to those given by the Examiner in allowing independent claim 16.

Indeed, in contrast, the alleged slanted surface shown in BYRD's Figure 3 annotated by the Examiner, by design, never contacts the printed circuit board. Rather, the holding device of BYRD is designed to be spaced apart from the printed circuit board such that electronic components may be mounted to the printed circuit board between it and the holder (col. 4, lines 17-22; Figure 4 (see

space 43)). As such, BYRD teaches away from Applicant's claimed invention. Hence, claim 15 should also be allowable.

Regarding the claims rejected based on prior art, Applicant's claim 1 recites a fixing holder adapted to hold an electronic component. The holder is substantially closed and hollow in a longitudinal direction and has top and bottom openings. The holder includes a substantially cylindrical holder main body portion adapted to hold the main body portion of the electric component, and a base portion extending beyond the holder main body portion in the longitudinal direction from one longitudinal end of the holder main body portion.

As shown in Applicant's preferred embodiment of Figure 1, base portion 2a extends beyond the holder main body portion 2b in the longitudinal direction from one longitudinal end of the holder main body portion 2b. As also seen in Figure 1a, the holder itself is substantially closed and hollow in a longitudinal direction and has the top and bottom openings.

By contrast, BYRD's device holder 25 is not substantially closed and hollow in a longitudinal direction, nor does it have a base portion extending beyond a substantially cylindrical holder main body portion in the longitudinal direction from one longitudinal end. The Examiner's annotation of Figure 3 in BYRD proves this point. In particular, the Office Action indicates that chamber 51 forms the substantially cylindrical main body portion whereas the rear portion of chamber 50 is regarded as the base portion. With such an interpretation, the base portion does not extend beyond the holder main body portion in the longitudinal direction from one longitudinal end. Rather, the

alleged base portion in BYRD is laterally adjacent the alleged substantially cylindrical main body portion. As such, it is not in the longitudinal direction of the holder, nor does it extend from one end.

Moreover, Applicant recites the holder in claim 1 as being substantially closed and hollow in the longitudinal direction. That certainly is not the case in BYRD's device holder.

In view of the above, Applicant submits claim 1 is patentable over BYRD. Further, claims 3, 5, 9, 10 and 13 depend from claim 1 and are also submitted to be patentable.

Regarding Applicant's independent claim 8, hereto an assembly is recited including a printed circuit board, an electronic component having wire-shaped leg portions, and a fixing holder. The holder has a hollow substantially cylindrical shape in a longitudinal direction with top and bottom openings such that the electric component is arranged in an area of the top opening and its wire-shaped leg portions protrude from the bottom opening. Claim 8 further recites that the fixing holder include a main body portion and a base portion extending in a longitudinal direction from the holder main body portion.

Accordingly, Applicant submits claim 8 is also patentable over BYRD for most of the reasons set forth above. Additionally, in claim 8, the electronic component has its wire-shaped leg portions protruding from the bottom opening. Under the Examiner's interpretation of Figure 3 of BYRD, the battery held in the alleged substantially cylindrical main body portion 37 does not have its

conductors 78 protrude from the alleged base portion shown in Figure 3. Hence, for this additional reason, Applicant submits claim 8 is patentable over BYRD.

In view of the above, Applicant submits claim 8, as well as dependent claim 14 are patentable over BYRD.


In view of the foregoing, Applicant submits all pending claims are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #3064NG/48834).

Respectfully submitted,

September 13, 2005


Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

JDS:pct
395757